

House Bill 649

By: Representatives Cox of the 102<sup>nd</sup>, Geisinger of the 48<sup>th</sup>, Maxwell of the 17<sup>th</sup>, and Coan of the 101<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Article 8 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to crimes involving identity fraud, so as to provide that any person who is engaged in any business which involves the collection or maintenance of identifying information with respect to consumers shall have a duty to maintain such identifying information in a manner which is secure against unauthorized disclosure; to require prompt notification to a consumer if the security of that consumer's identifying information is or may have been breached; to provide for criminal penalties and civil and administrative remedies; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 8 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to crimes involving identity fraud, is amended by adding a new Code Section 16-9-130.1 to read as follows:

"16-9-130.1.

(a)(1) Any person who is engaged in any business which involves the collection or maintenance of identifying information with respect to consumers shall have a duty to maintain such identifying information in a manner which is secure against unauthorized disclosure.

(2) Any such person shall promptly notify in writing any consumer if such person learns that the security of identifying information relating to that consumer has been breached by an actual or potential unauthorized disclosure of such information. Such notification shall include, at a minimum, the nature of the information which has been or may have been subject to unauthorized disclosure and the manner in which such information was or may have been subject to unauthorized disclosure.

(b) Any person who violates paragraph (2) of subsection (a) of this Code section shall upon conviction be guilty of a misdemeanor of a high and aggravated nature.

- 1 (c) Any person who violates paragraph (1) or (2) of subsection (a) of this Code section  
2 shall be civilly liable to a consumer who is harmed as a result of such violation.  
3 (d) Any violation of paragraph (1) or (2) subsection (a) of this Code section shall be  
4 subject to enforcement by the administrator in the manner provided by Code Section  
5 16-9-127."

6 **SECTION 2.**

- 7 All laws and parts of laws in conflict with this Act are repealed.